

**MONTANA PUBLIC SERVICE COMMISSION
AGENDA NO. 12-03-20**

Date Published: March 15, 2012
For Work Week Commencing: March 19, 2012
Commission Meeting: March 20, 2012, 9:00 a.m.

General Introduction *This agenda is the Commission's agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://psc.mt.gov>.*

Place of Meetings *All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.*

Live webcast *Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website at <http://psc.mt.gov> (go to "Agendas & Meetings" then "Audio/Video Archives"). The audio feeds of meetings are also archived at the same website location.*

Inquiries *General inquiries concerning this agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.*

Accommodation for Persons with Disabilities *Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.*

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Approval of Commission Minutes (Aleisha)

Approval of the Commission Minutes for the week of March 12, 2012

2. Mergenthaler Transfer & Storage Co. TN2527 (Nickie)

Mergenthaler Transfer & Storage Co., Helena, Montana requests permission to separate PSC No. 1464, Sub H to a new PSC number for leasing purposes. Probable Motion: Approve the issuance of PSC No. 1464 Sub H under a new PSC number for leasing purposes.

SUB H Class D - Ashes, waste, trash, rubbish and garbage in the City of Helena, Montana, and to and from points within a radius of 35 miles of Helena, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: Transportation between points served by rail carrier or by a Class "A" motor carrier for distances beyond the radius of ten (10) miles from the City of Helena is prohibited.

3. Mergenthaler Transfer & Storage Co. TN2528 (Nickie)

Mergenthaler Transfer & Storage Co., Helena, Montana requests permission to lease PSC No. 9483 (previously issued as PSC No. 1464 Sub H) to City of Helena, Helena, Montana for a twelve month period, March 15, 2012 to March 15, 2013. Probable Motion: Approve the lease of PSC No. 9483 as requested.

Class D - Ashes, waste, trash, rubbish and garbage in the City of Helena, Montana, and to and from points within a radius of 35 miles of Helena, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: Transportation between points served by rail carrier or by a Class "A" motor carrier for distances beyond the radius of ten (10) miles from the City of Helena is prohibited.

4. Circle Z Enterprises TN2529 (Nickie)

Fred M. Zweifel dba Circle Z Enterprises, Virginia City, Montana requests permission to further suspend PSC No. 9270 for the period March 18, 2012 through May 9, 2012. Probable Motion: Approve the continued suspension of 9270.

Class B - Passengers within the City of Virginia City and a two mile radius thereof.

5. South Lake Taxi TN2530 (Nickie)

Dennis F. Orr Sr. dba South Lake Taxi, Pablo, Montana requests permission to lease PSC No. 9479 to Ann L. and James J. Gieber dba Annie's South Lake Taxi for the period March 17, 2012 to September 17, 2012. Probable Motion: Approve the continued lease of PSC No. 9479 as requested.

Class B - Persons within the City of Polson, Montana and between points and places within a seventy (70) mile radius thereof. Limitations: 1) Transportation in limousine service is prohibited. 2) Transportation must originate or terminate in Lake County. 3) Carrier is prohibited from picking up passengers in Flathead County. 4) Transportation is limited to ten (10) passengers or less. 5) Carrier is prohibited from transporting passenger to or from medical facilities.

6. Jim's Taxi TN2531 (Nickie)

Linda M. Elgin as personal representative of the estate of James Elgin dba Jim's Taxi, Kalispell, Montana requests permission to lease PSC No. 9472 to Iron Eagle Transportation LLC, Kalispell, Montana for a 3 month period, March 20, 2012 to June 20, 2012. Probable Motion: Approve the lease of PSC No. 9472 as requested.

Class B – Passengers between all points and places in Flathead County, Montana. LIMITATION: Transportation in limousine service is prohibited.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2012.1.6 – Qwest d/b/a CenturyLink – Interconnection Agreement – Discuss and act on Interconnection Agreement. (3/20/12)

2. D2012.1.14 – NorthWestern Energy – Request to Implement Time-of-Use Rates in a Smart Grid Demonstration Project – Discuss and act on Request. (3/20/12)
3. D2008.8.95 – NorthWestern Energy – Application for approval to construct and operate Dave Gates Generating Station to supply regulation service – Discuss and act on draft order on compliance filing. (3/20/12)
4. Executive Planning Process (EPP) and potential PSC legislation for the 2013 Legislative session – Review identified EPP items, discuss additions to EPP, discuss potential legislation. (3/20/12)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. Bresnan Broadband of Montana, LLC (Bresnan) N2012.3.23 (Gary)

On March 12, 2012, Bresnan filed two requests for Waivers of the Months to Exhaust/Utilization Threshold (MTE/UT) requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200. These waivers of the FCC's requirements would allow Bresnan to receive two NXXs from the Pooling Administrator to establish Local Routing Numbers (LRNs) for new switches in the Bozeman and Helena Rate Centers. The Bresnan requests to the Pooling Administrator were rejected because Bresnan did not meet the MTE/UT requirements in either rate center. However, FCC rules do allow for a waiver of rules if ordered by a state commission. This waiver process ("safety valve process") is addressed in FCC 01-362, paragraphs 57-66.

2. Citizens Telecommunications N2012.3.22 (Scott)

On March 9, 2012, Citizens filed advice letter NO. MT-12-01. The purpose of this filing is to update the Lifeline and Link Up tariff to comply with the Federal Communications Commission (FCC) Docket No. FCC-12-11, Lifeline and Link Up Reform and Modernization.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Copies of these requests may be viewed on the Commission's web site at <http://psc.mt.gov>

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be viewed on the Commission's web site at <http://psc.mt.gov>

Information Items All items identified below are for information only.

New Filings Received in Past Week

N2012.3.22 - Citizens Telecommunications Company of Montana d/b/a Frontier Communications of Montana - Advice Letter No. MT-12-01 - Lifeline & Link Up
N2012.3.23 - Bresnan Broadband of Montana, LLC - NXX Waiver Request
D2012.3.24 - Montana-Dakota Utilities Co - Petition for Certification of Eligible Renewable Resources and Community Renewable Energy Resources